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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,973	03/31/2004	Katsuhiro Kido	3022-0024	1807
70432	7590	08/25/2008	EXAMINER	
ALFRED A. STADNICKI			LEIVA, FRANK M	
1300 NORTH SEVENTEENTH STREET				
SUITE 1800			ART UNIT	PAPER NUMBER
ARLINGTON, VA 22209			3714	
			NOTIFICATION DATE	DELIVERY MODE
			08/25/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/812,973	KIDO, KATSUHIRO	
	<b>Examiner</b>	<b>Art Unit</b>	
	FRANK M. LEIVA	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 February 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 3-7,11-15,17-25,27,29 and 30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 3-7,11-15,17-25,27,29 and 30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 07/29/2008.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Acknowledgements***

1. The examiner acknowledges amendments to claims 17, 18, 27, 29 and 30 in applicant's submission filed 07 February 2008.

### ***Response to Arguments***

2. Applicant's arguments filed 07 February 2008 have been fully considered but they are not persuasive. The arguments are directed to the newly amended limitations of the independent claims and are covered below.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 17, 18, 27, 29 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As amended, each of independent claims 17, 18, 27 and 29-30 requires that acceptance of bets for play of a second game controlled by a second game machine by a player at the first game machine be performed by the controller of the first game machine. The examiner respectfully declares that the specifications fail to show one gaming machine controlling

bets on another gaming machine, only to the controller of the community game machines 200, 300 and 500, never does the disclosure show gaming machine 100 controlling bets on another player machine 100 or 400.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 3-7, 11-15 and 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon (US 2002/0177483) in view of Cole et al (US 2004/0137978 A1).**

7. **Regarding claim 17;** Cannon discloses: a gaming system comprising: a first gaming machine having a first controller configured with logic to independently control a first game played by a first player at the first gaming machine (Para. 0026); and a second gaming machine communicatively connected with the first gaming machine (Para. 0026) and having a second controller configured with logic to (i) control a second game played by a plurality of players at a plurality of gaming machines, including the first player at the first gaming machine and a second player at the second gaming machine (Para. 0026-27), (ii) transmit image data of the second game to the first gaming machine (Para. 0062), (iii) control a period of time for accepting bets on the second game (Para. 0022, 0023, 0062), and (iv) transmit bet period data to the first gaming machine (Para. 0062); wherein the first controller is further configured with logic to (i) control display of images of the second game in accordance with the transmitted

image data from the second gaming machine (Para. 0062), (ii) control display of an indication of a start of the period of time for accepting the bets on the second game in accordance with the transmitted bet period data (Para. 0062), and (iii) transmit first bet data indicative of a first bet on the second game having been placed at the first gaming machine to the second gaming machine (Para. 0023); wherein the second controller is further configured with logic to determine a payout for the second game in accordance with the transmitted first bet data and second bet data indicative of a second bet on the second game having been placed at the second gaming machine within the period of time, if the second controller receives the transmitted first bet data within the period of time from the first gaming machine (Para's. 0022, 0023, 0067, 0070, 0078). Cannon fails to mention that the second game could be played without a pre-qualifying condition. Cole discloses a gaming machine with double screens wherein play of the first type game by the first player on the first gaming machine is initiated by the first player placing a bet associated with the first type game at the first gaming machine, and play of the second type game by the first player on the first gaming machine is initiated by the first player placing a bet associated with the second type game at the first gaming machine; wherein the first controller is further configured to accept a bet of the first player to initiate the first type game without the first player meeting a prior qualification for play of the first type game; wherein the first and the second gaming machines communicate such that the first and the second controllers interact to accept a bet of the first player to initiate the second type game without the first player meeting a prior qualification; for play of the second type game, including a prior qualification relating to play of the first type game by the first player, (Para. 0135, abstract).

**8. Regarding claims 3 and 32;** Cannon discloses wherein the second controller is further configured with logic to transmit an instruction for a payout to the first player based on a result of the second game (Para. 0027 and 0070), and the first controller is further configured with logic to control the payout to the first player in accordance with the transmitted instruction (Fig. 4).

9. **Regarding claim 4;** Cannon discloses wherein the first game is played only by the first player (Para. 0023).

10. **Regarding claim 5;** Cannon discloses wherein the first gaming machine comprises a first display means device for variably displaying a plurality of symbols for the first game (Para. 0026).

11. **Regarding claim6;** Cannon discloses wherein the first game is a video poker game (Para. 0018).

12. **Regarding claim 7;** Cannon discloses wherein the first and the second gaming machines are connected through via the Internet (abstract and Para. 0021).

13. **Regarding claim 18;** Cannon discloses a first gaming machine communicatively connected with a second gaming machine having a second controller configured with logic to control a second game played by a plurality of players at a plurality of gaming machines, including a first player at the first gaming machine and a second player at the second game machine (Para's. 0026-0027), the first gaming machine comprising: a first controller configured with logic to (i) independently control a first game played by the first player (Para. 0026), (ii) receive image data associated with play of the second game from the second gaming machine (Para. 0062), (iii) direct display of images of the second game in accordance with the received image data (Para. 0062), (iv) receive, from the second gaming machine, bet time information indicative of initiation of acceptance of bets on the second game (Para. 0022, 0023, 0062), and (v) direct display of a bet time for the second game in accordance with the received bet time information (Para. 0062); and a second game display device for displaying the images of, and a bet time for, the second game, in accordance with the first controller directives (Para. 0062). Cannon fails to mention that the second game could be played without a pre-qualifying condition. Cole discloses a gaming machine with double screens wherein play of the first game by the first player on the first gaming machine is initiated by the first player

placing a bet associated with the first game at the first gaming machine, and play of the second game by the first player on the first gaming machine is initiated by the first player placing a bet associated with the second game at the first gaming machine; wherein the first controller is further configured to accept a bet of the first player to initiate the first game without the first player meeting a prior qualification for play of the first game; wherein the first and the second gaming machines communicate such that the first and the second controllers interact to accept a bet of the first player to initiate the second game without the first player meeting a prior qualification for play of the second game, including a prior qualification relating to play of the first game by the first player, (Para. 0135, abstract).

14. **Regarding claims 11-15.** See rejections of claims 3-7 for features of claims 11-15.

15. **Regarding claim 19;** Cannon discloses further comprising: a common display device for commonly displaying the images of the second game to the plurality of second game players (202, Fig. 2); wherein the second controller is further configured with logic to control the transmission of the images of the second game displayed by the common display device to the first gaming machine (Para. 0062; 0027 and 0070).

16. **Regarding claim 20;** Cannon discloses further comprising: an image capturing device for capturing the image data of the second game; wherein the image data of the transmitted second game is the captured image data (202, Fig. 2; Para. 0062: in order to display image data that originates from another device, the data must be transmitted and then received, ie captured).

17. **Regarding claim 21;** Cannon discloses wherein the first gaming machine includes a second game display device for displaying images associated with the second game (Para. 0062).

**18. Regarding claims 22 and 25;** Cannon discloses wherein the second game display device includes a BET detector for detecting the placing of the first bet on the second game at the first gaming machine (Para. 0023).

**19. Regarding claim 24;** Cannon discloses further comprising: an effects display device for displaying images of the first game (Para. 0026).

**20. Regarding claims 26-30;** Cannon discloses a second gaming machine communicatively connected with a first gaming machine (Para. 0026-27) having a first controller configured with logic to independently control play of a first game by a first player (Para. 0026), and comprising: a second controller configured with logic to (i) control a second game played by a plurality of players at a plurality of gaming machines, including the first player at the first gaming machine and a second player at the second gaming machine (Para's. 0026-27), (ii) transmit image data of the second game to the first gaming machine (Para. 0062), direct transmission of image data of the controlled second game to the first gaming machine (Para. 0062, 0027, 0070). (iii) control a period of time for accepting a bet on the second game (Para. 0022, 0023, 0062), (iv) transmit an indication of a start of the controlled time period to the first gaming machine (Para. 0062), (v) receive first bet data indicative of a first bet on the second game having been placed at the first gaming machine (Para. 0023), and (vi) determine a payout for the second game in accordance with the received first bet data and second bet data, if the first bet data has been received within the controlled time period (Para's. 0022, 0023, 0067, 0070, 0078), and a second gaming machine configured with logic to simultaneously control play of a second type game (Para. 0023), different than the first type game, by the first player on the first gaming machine and by a second player on the second gaming machine (Para's. 0026-27). Cannon fails to mention that the second game could be played without a pre-qualifying condition. Cole discloses a gaming machine with double screens wherein play of the first game by the first player on the first gaming machine is initiated by the first player placing a bet associated with the first game at the first gaming machine, and play of the second game

by the first player on the first gaming machine is initiated by the first player placing a bet associated with the second game at the first gaming machine; wherein the first controller is further configured to accept a bet of the first player to initiate the first game without the first player meeting a prior qualification for play of the first game; wherein the first and the second gaming machines communicate such that the first and the second controllers interact to accept a bet of the first player to initiate the second game without the first player meeting a prior qualification for play of the second game, including a prior qualification relating to play of the first game by the first player, (Para's. 0112 and 0135, abstract).

21. **Regarding claims 3-7, 11-15 and 17-30;** Cannon and Cole inventions are analogous art, and it would have been obvious to one of ordinary skill in the art at the time of the invention to allow a player to play multiple games simultaneously, when player interaction is required. The combination of the features of Cole in the Cannon invention is not novel but an incorporation of well known elements of gaming machines that would give a predictable result.

22. **Regarding claims 17, 18, 27, 29 and 30;** the newly added limitation regarding the control of one player machine controlling the betting of a second or third player machine is a well known gaming network technique for community games like electronic roulette and video blackjack with a single random number generator played by the first machine of the network, controlling the timing of the betting of the rest of the games, examples are Vegas Star game from Star Games (Australia) and Coin Master's 10-player mechanical roulette (California, USA). It would be obvious to one of ordinary skill in the art at the time of applicant's invention to use one of the games of the network to control the rest and save having to manufacture a separate cabinet to house another processor.

23. **Examiner's Note:** Examiner has cited paragraphs and figures in the references as applied to the claims above for the convenience of the applicant. Although the

specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Conclusion***

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/  
Supervisory Patent Examiner, Art Unit 3714

FML  
08/16/2008